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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 LORA E. LAVINE,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of
Social Security,

12 Defendant.
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Case No. C10-2002-TSZ-JPD

REPORT AND RECOMMENDATION

14 Plaintiff brought this action to seek judicial review of the denial of her application for
15 disability benefits by the Commissioner of the Social Security Administration. Dkt. 4. The
16 parties have stipulated that this case should be reversed and remanded for further administrative
17 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 23.

18 Based on the stipulation of the parties, the Court recommends that this case be
19 REVERSED and REMANDED for further administrative proceedings. Accordingly, upon
20 remand, the Appeals Council shall direct reassignment of the case to a different Administrative
21 Law Judge (ALJ), as the case has already been before the same ALJ twice. The Appeals Council
22 shall direct the new ALJ to:


- 23 • Hold a de novo hearing;
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- Re-assess plaintiff's credibility and her subjective complaints of pain including all of her alleged impairments and their affect on her ability to perform work-related activities;
- In so doing, refrain from incorporating, referring to, and/or relying on testimonial evidence not documented in the record due to problems with the 2005 hearing recording;
- Re-evaluate all of the medical source opinions of record;
- In so doing, refrain from incorporating, reiterating and/or relying on prior analyses of the medical source evidence;
- Consider the need for testimony from a medical expert, preferably in the field of mental health;
- Re-assess plaintiff's residual functional capacity; and
- Obtain supplemental vocational expert testimony.

Upon proper application, the Court will consider whether reasonable attorney's fees should be awarded pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

A proposed order accompanies this Report and Recommendation.

DATED this 14th day of July, 2011.



JAMES P. DONOHUE
United States Magistrate Judge